

REMARKS

Claims 1, 3-5, and 8 are presented for consideration, with Claims 1, 4, 5, and 8 being independent.

Claim 1 has been amended to include the subject matter of Claim 2. In addition, Claims 4, 5 and 8 have been placed in independent form. Claims 2, 6, 7, 9 and 10 have been cancelled.

Initially, Applicants note with appreciation that Claims 3-5 and 8 are indicated as containing patentable subject matter and would be allowed if placed in independent form. As noted above, Claims 4, 5 and 8 have been rewritten in independent form and thus are submitted to be allowable.

Claim 10 is rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Pauliukonis '645. Claims 1, 6, 7, 9 and 10 are rejected under 35 U.S.C. §103 as allegedly being obvious over Sticht '432. Claim 7 is rejected as allegedly being obvious over Pauliukonis or Hopkins '905. Claim 6 is rejected as allegedly being obvious over Hopkins in combination with Sticht. Without conceding the propriety of these rejections, Claim 1 has been amended to include the features of Claim 2, and Claims 2, 6, 7, 9 and 10 have been cancelled. These rejections are therefore deemed to be moot and should be withdrawn.

The sole remaining rejection, therefore, is that of Claims 1 and 2 under 35 U.S.C. §102(b) as allegedly being anticipated by Hopkins. This rejection is respectfully traversed.

Claim 1 of Applicants' invention relates to a micro liquid delivery device comprised of a flow channel for flowing a liquid, first and second pressure generating means for generating pressures provided in the flow channel, and a variable member placed between the first and second pressure generating means and having bistability capable of transforming between a first stable and a second stable state by a generated pressure. As claimed, the variable member is comprised of a flexible resin film and is transformed into the first stable state or the second stable state to select a branch of the flow channel.

In accordance with Applicants' claimed invention, a high performance micro liquid delivery device is provided.

The Hopkins patent relates to an electrochemical actuator valve mechanism 10 that includes a diaphragm 30 positioned within an internal chamber 18. As understood, the diaphragm is controlled by creating gas bubbles 72, 74 in an interior chamber upper portion 27 for causing the diaphragm to regulate an inlet opening 61.

In contrast to Applicants' claimed invention, however, Hopkins is not understood to provide, among other features, a variable member of flexible resin film placed between first and second pressure generating means and being transformed into first or second stable states to select a branch of the flow channel. In Hopkins, the diaphragm 30 is placed below electrodes 32 and 42, which cause the reaction to form the gas bubbles, and the diaphragm does not move between first and second stable states to select a branch of a flow channel.

Accordingly, it is submitted that Hopkins fails to anticipate or render obvious Applicants' invention as set forth in Claim 1, and thus reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) is respectfully requested.

It is submitted that Applicants' invention as set forth in independent Claims 1, 4, 5, and 8 is patentable over the cited art. In addition, dependent Claim 3 sets forth additional features of Applicants' invention. Independent consideration of the dependent claim is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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